

IN RE:
IVELISSE FELICIANO FIGUEROA

CASE NO. 13-02066-BKT

CHAPTER 13

DEBTOR (S)

TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$75.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$3,000.00 Fees paid: \$0.00 Fees Outstanding: \$3,000.00
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With respect to the proposed (amended) Plan dated: **March 19, 2013** (Dkt 9). Plan Base: **6,250.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

Debtor is an above-median income Debtor. Plan must be for 60 months.

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

1-Debtor must submit maturity date of car loan. Car is in daughter's name, but Debtor uses it. If maturity date is within the life of the plan, monthly plan payments must increase. 2- Debtor must amend Schedule I to include income from Christmas bonus. 3- Puerto Rico tax refund 2012 of approximately, \$2,900.00. Debtor must either include it in Schedule B or submit the same to the Trustee. If Debtor needs to use it, she must request court permission to do so.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

1- Debtor must submit employment certification stating the amount that she earned in each of the six months prior to filing bankruptcy. 2- Debtor must amend Schedule B to list other bedroom sets, living and dining sets.

- Other/Comments

1- Debtor claimed Homestead exemptions- Deed was executed 2/15/2013 and presented in Property Registry 2/21/2013, both prior to filing bankruptcy. Homestead Deed and minute of presentation, reviewed at 341 meeting, must be uploaded. 2-Debtor to review amount of attorneys' fees to be paid. 2016 states that amount owed is \$3,000.00 and plan states that amount owed is \$2,700.00.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 04, 2013.

/s/ Juliel Perez -Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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